



ANIMAL LICENSING AND WELFARE POLICY

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1. INTRODUCTION

Eastleigh Borough Council (“the Council”) has statutory responsibilities to promote and protect animal welfare. The Council takes all necessary steps to ensure that these responsibilities are fulfilled.

Wherever possible the Council will seek to safeguard the wellbeing of animals through its policies and actions more generally, for example, the Council has included a clause in its events licences which prohibits event organisers from issuing pets as prizes.

This policy sets out the general principles that the Council will follow in relation to the licensing of activities involving animals under the [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) (“the Animal Welfare Regulations”) and the enforcement of animal welfare legislation through the [Animal Welfare Act 2006](#). The policy describes the types of animal welfare matters that are likely to occur and how the Council will deal with them.

In undertaking its responsibilities in relation to licensing, the Council will also refer to the [Statutory Guidance for Local Authorities 2018](#) and relevant activity specific guidance.

The Animal Welfare (Licensing of Activities Involving Animal) (England) Regulations 2018 replace previous licensing and registration regimes under the following legislation:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 & 1970
- Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulation) Act 1925

In undertaking the enforcement of Animal Welfare Legislation, the Council is responsible for implementing Public Space Protection Orders contained in [section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014](#) for dog fouling control, and the provisions of the [Environmental Protection Act 1990](#) relating to stray dogs and the Animal Welfare Act 2006 which relates to animal cruelty.

This policy will be reviewed at least every 3 years following first approval, and at other times, as required to reflect significant changes in relevant legislation or guidance. Any minor amendments to this Policy may be authorised by the Head of Regulatory Services and undertaken in accordance with the Council’s Constitution.

2. AIMS

The policy will ensure that the Council carries out its animal licensing and welfare responsibilities in a fair, equitable and consistent manner.

It will help to ensure that the public understands what the law requires and how the Council will approach its enforcement duties.

3. POLICY OBJECTIVES

The policy is designed to ensure that:

- any person who undertakes a licensable activity holds a valid licence in accordance with the Regulations;
- the five overarching principles of animal welfare (known as the “five needs”), introduced by the Animal Welfare Act 2006 are upheld in any decision;
- decisions made by the Council are fair, transparent and consistent;
- persons responsible for the management of animal welfare observe recognised standards of good practice; and
- persons responsible for the management of animal welfare understand how enforcement activities will be conducted.

4. ANIMAL WELFARE ACT 2006

The Council will base its licensing regime on the following principles of animal welfare, known as the “five needs” arising under the Animal Welfare Act 2006:

1. **The need for a suitable environment** by providing an appropriate environment, including shelter and a comfortable resting area;
2. **The need for a suitable diet** by ready access, where appropriate, to fresh water and a diet to maintain full health;
3. **The need to be able to exhibit normal behaviour patterns** by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate;
4. **Any need to be housed with, or apart from, other animals** by providing the company of an animal of its own kind, where appropriate; and
5. **The need to be protected from pain, suffering, injury and disease** by prevention or rapid diagnosis and treatment and ensuring conditions and treatment which avoid mental suffering.

5. LICENSABLE ACTIVITIES

A licence is required for any of the activities listed below:

- [selling animals as pets](#)
- providing or arranging provision of boarding for cats or dogs - this includes [dog kennel boarding](#), [cat boarding](#), [home boarding for dogs](#) and [day care for dogs](#)
- [hiring out horses](#)
- [Breeding Dogs](#)
- [keeping or training animals for exhibition](#) (excluding any activity regarding a licence for a zoo which is separate and subject to the [Zoo Licensing Act 1981](#))

A summary of the scope of licensable activities, and links to the Statutory Guidance including full details and exemptions is provided in Annex 1.

6. SUITABILITY OF APPLICANTS

In accordance with the Regulations, any individual who carries on or knowingly allows a licensable activity to carry on will be designated as the operator of the business and can apply for a licence.

Licence applicants and existing licence holders must make sure that:

- they apply for the correct licence

- the licence is kept up to date with the Council
- each facility has its own licence

Should the licence applicant have a criminal conviction, the Council will consider each case individually and consider the conviction or behaviour and the weight that should be given to this. An isolated conviction, especially if committed some time ago, will not usually prevent the grant or renewal of a licence, however the Council will not normally grant a licence to a person with one (or more) convictions for any of the following example offences:

- Offences involving violence
- Possession of a weapon
- Sex and indecency offences
- Offences involving dishonesty
- Offences involving drugs
- Licensing offences
- Offences involving danger or suffering caused to animals

7. APPLICATION PROCESS

The application process will follow these steps:

1. The individual sends an animal activity licence application and fee to the Council
2. The Council appoints an inspector
3. The inspector visits the animal activity site and produces a report
4. The Council reviews the report
5. The Council makes a decision to grant or refuse the licence application
6. The Council notifies the applicant with reasons for their decision
7. The applicant has a right of appeal to the first-tier tribunal for a refusal

The applicant must complete an application form for each of the licensable activities they apply for and send them to the Council who will raise an invoice for payment. The applicant must then send the completed forms to the Council. The inspection will not take place until the licence application fee is paid.

The Council will aim to issue a decision on an application within 10 weeks of receiving a new licence application. It is possible that the process can take longer, for example, if further information is needed from the applicant. However applications that are delayed due to individuals failing to return required information, or, failing to be available for an inspection that exceed 16 weeks may be withdrawn. The application fee will not be refunded. If the application and inspection is successful, the applicant will then be required to pay the compliance fee to have their licence issued.

The Council will advise each licence holder in writing that they need to renew their licence 3 months before it is due to expire.

The licence holder must apply to renew a licence at least 10 weeks before their current licence expires. This is to avoid incurring a break in the licensable activity.

Payment for vet inspections required either by legislation or by the Council in order to determine the application, will be an additional charge passed on to the applicant/licence holder.

The Council’s application forms, and licensing fees can be found [here](#).

8. LICENCE RATING AND DURATION

The regulations set conditions throughout England that must be complied with. A star rating (1 – 5) must be given, and this will depend on compliance history and the standards achieved.

Licences can be issued for a period of either one, two or three years depending on the risk rating and level of compliance. This also corresponds with the Star Rating for the establishment. The Scoring matrix is outlined below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

Licences for the keeping or training of animals for exhibition are issued for three years.

9. STANDARDS AND CONDITIONS

The Regulations include mandatory conditions <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities> which will need to be met for each licensable activity, and DEFRA has produced associated statutory guidance. The conditions are divided into two categories namely General Conditions (stipulated in Schedule 2) and Specific Conditions from the associated Schedule of the Regulations.

For each activity (except keeping or training animals for exhibition) a number of “higher standards” have been included in the guidance. Meeting the higher standards is optional but is the only way to gain a higher star rating.

The Regulations make provision for officers to take samples for laboratory testing from any animals on premises occupied by an operator for the purposes of ensuring the licence conditions are being complied with. Samples should be as non-invasive as

possible however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. Samples will be taken by those with adequate training and where it is safe to do so.

10. GRANTING A LICENCE

Where a licence is issued the Council will provide the following details:

- the Licence with the Star Rating;
- details of how the business has been rated including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet and resulting in a “minor failing” category;
- a copy of the risk management assessment table; and
- details of the appeals process and timescales.

Any fee(s) required upon the grant of the licence must be paid in full prior to the issue of the licence.

11. REFUSING A LICENCE

The Council will refuse to issue or renew a licence if it considers that the applicant cannot meet the licence conditions, for example, if the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

A licence may also be refused as a result of non-compliance with licensing conditions, if operators are obstructive towards officers (which is an offence), or if there are safeguarding concerns arising from the licensed activity. Other reasons may also apply and will be considered on an individual basis.

Any application fees or veterinary inspection fees paid will not be refunded for unsuccessful applications. If a licence is refused, the applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

12. APPEALS

The Council has an appeals procedure in place for the operator to dispute the star rating given.

Any appeal to the rating given must be made in writing within 21 days. The business will be provided with the inspection reports which will detail the inspecting officer's decision on how the risk rating, compliance level and star rating has been determined.

An appeal will be assessed and determined by the Service Director for Planning and Environment or in their absence another Service Director who will conduct a 'desk based' appraisal of the rating given. If the business disagrees with the outcome of the appeal, they can challenge the decision by means the Councils complaints procedure the ombudsman or by judicial review.

13. VARIATION AND SUSPENSION OF LICENCES

The Council may suspend, vary or revoke a licence without the consent of the licence holder if the licence conditions are not being complied with, there has been a breach of the Regulations, information supplied by the licence holder is false or misleading, or it is necessary to protect the welfare of an animal.

A decision to vary or suspend the licence must be notified to the licence holder in writing, explaining the reasons for the decision, stating when the suspension or variation comes into effect and the rights of the licence holder to make written representation, as well as any specific changes deemed necessary in order to remedy the situation.

Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representation. Upon receipt of this the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision. If the reason is to protect the welfare of an animal, the Council may stipulate that the decision has immediate effect.

There is no right of appeal against the suspension of a licence and the licence must be revoked or reinstated after 28 days of suspension. A licence holder may however appeal to a First-tier Tribunal if they do not agree with the decision made by the Council to vary or revoke a licence. This must be done within 28 days of the decision.

Upon the death of a licence holder, a personal representative of the deceased can take on the licence, provided that they inform the Council within 28 days that they are now the operators of the licensable activity. The licence will then remain in place for three months from the death of the former holder, or for the rest of the time the licence was due to remain in force if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.

The Council can extend the three-month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.

If the personal representative does not notify the Council within 28 days of the date of death of the licence holder, the licence will cease to have effect after those 28 days.

14. INSPECTIONS

The Council will appoint a suitably qualified inspector to carry out the inspection for applications received for any activity involving animals.

Unannounced inspections can be carried out and will be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity are at risk. In addition, there shall be at least one unannounced inspection within the licence period. An inspector may need to take samples for laboratory testing, and it is expected that the operator will comply and provide suitable restraints, if requested.

For hiring out horses, there is a requirement for an annual inspection by a vet. The Council will appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then

each subsequent year. The cost of the annual inspection is payable by the licence holder.

15. QUALIFICATIONS OF INSPECTORS

All inspectors must be suitably qualified. This is defined in the Guidance as:

- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons inspecting and licensing certain animal activities, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity; and
- Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record.

16. FEE STRUCTURE

The current level of licence fee is displayed on the Council’s webpage [here](#).

All fees are calculated and reviewed annually, considering the statutory requirements of Regulation 13, with the aim of full cost recovery.

17. ENFORCEMENT

The Council enforces a wide variety of laws designed to protect the health and wellbeing of the population of the Borough and the environment in which they work and live. To support its work, the Council has adopted an [Enforcement Strategy](#) and associated [Environment Enforcement Policy](#) which should be read in conjunction with this section.

These documents provide a framework to aid enforcement officers in deciding what form of enforcement is the most appropriate and helps to maintain a consistent, proportionate and balanced approach to enforcement, based on the principles of;

- **Proportionality** – Any action that is taken will relate to the seriousness of the breach. Officers will consider the full range of powers available to them as outlined below;
- **Consistency** – Officers act in a similar way when faced with similar circumstances. The Council will also work with other services and Authorities to ensure that consistency is maintained at a local and national level as far as possible. This does not imply uniformity; rather a full and proper consideration of all the circumstances of a case, guided by the Council's adopted policies and priorities, to establish what reasonable and adequate requirements will remedy the breach;
- **Transparency** – The Council will try to help people understand what the law requires of them and make clear what needs to be done to achieve compliance. The Council will also make clear what people should do if they are not happy about any action taken or a decision not to take action. The Council will also provide transparency and clarity on courses of action that will be undertaken;

- **Targeting** – Our enforcement efforts will be directed against those whose activities pose the most serious risks or create the most danger to the public interest and those who have a history of non-compliance.

The Council also operates a complaints-based service for the majority of issues. In order to take enforcement action there needs to be sufficient supporting evidence to prove that there is a breach of legislation upon which enforcement action can be taken. In relation to anonymous complaints or cases where there is no independent witness, corroborating independent evidence or evidence that undermines a case, the Council will take a view as to whether they can take any further action or whether to retain the details purely for intelligence purposes.

The Council has also adopted a Body Worn Video Policy (BWV) - <https://staffhub.eastleigh.gov.uk/s/article/Body-Worn-Video-Policy>. The policy sets out the statutory framework and procedures that permit the Council's lawful use of this overt surveillance technique and BWV will be used to support Council staff carrying out animal welfare duties.

The Animal Licensing Regulations introduce a range of enforcement powers to allow the Council to suspend, vary or revoke a licence, where licence conditions are not being complied with, there has been a breach of the regulations, information supplied by the licence holder is false or misleading, or, it is necessary to protect the welfare of an animal.

The decision to suspend or vary the licence must be notified to the licence holder, in writing, stating the grounds, when it comes into effect, specify the measures deemed necessary to remedy the grounds, and explain the right of appeal.

The decision to revoke a licence, must be notified to the licence holder in writing, stating the grounds, that the revocation comes into effect on service of the notice, and explain the licence holder's right of appeal.

It is an offence to breach any licence condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal, or to obstruct an inspector. Committing any of these offences could result in an unlimited fine.

Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine, or both.

A person convicted of an offence under the Act or Regulations may be disqualified from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or influence the way an animal is kept. They may also be disqualified from transporting or dealing in animals.

18. ANIMAL WELFARE

Control of stray dogs

Section 149 of the Environmental Protection Act 1990 requires every Local Authority to appoint an officer for the purpose of discharging the functions imposed by the Act for dealing with stray dogs found in the area of the Authority. The Act also updates the provisions made in the [Hampshire Act 1983](#) (part 8, section 3, control of stray dogs).

There is no formal definition of a stray dog in law. A dog may reasonably be treated as a stray if it is roaming freely and not under the control of any person, irrespective of whether it has a home. This applies whether or not the dog has identification or wears a collar and tag.

If a member of the public finds a stray dog the Environmental Protection Act 1990 expects that they:

- return the dog to its owner, or
- contact the Council, or
- take the dog to the Council's reception facility.

In accordance with the statutory requirements, the Council provides a collection service for stray dogs notified by members of the public during office hours. The Council also delivers the statutory service for dogs collected by the public, outside of office hours, by providing a reception centre at Three Oaks Kennels . This remains the nominated kennel until such time as an alternative is provided. Three Oaks Kennels are open at the following times:

- Monday to Friday 09:00 to 21:00
- Weekends/Bank Holidays/Public Holidays 09:00 to 17:00

The collection of dogs from the reception centre is from 09:00 to 13:00 and 15:00 to 17:00 on all days including weekends/bank holidays and public holidays. Three Oaks Kennels can be contacted on 01489 892760.

Stray dog reports are responded to within 24 hours either through the Out of Hours Service or by the Council's staff and involve collecting the animal, checking for identification and taking the dog to the reception centre.

Where the dog is found on private property, the prior consent of the owner or occupier of that property must be received before the dog can be seized as a stray.

Where the dog is microchipped or wears a collar and tag identifying the owner the Council will issue a notice advising the owner in writing, that the dog has been seized, where it is being kept and stating that the dog will be rehomed where appropriate if it is not claimed within seven clear days after the service of the notice and the statutory fees are not paid <https://www.eastleigh.gov.uk/environment/environmental-health/animal-welfare/dogs/stray-found-lost-and-stolen-dogs> .

The owner of a stray which is seized will be required to pay a statutory fee plus any kennelling, veterinary or any other costs incurred before the dog can be reclaimed.

The owner will also, if appropriate, be advised on the legal requirement for the dog to wear a collar and tag bearing the details of the owner and the requirement of having the animal microchipped. All stray dogs collected will be scanned for a microchip. In accordance with the legal requirements, stray dogs are held for seven days, after this time if the owner cannot be found they will become the property of Eastleigh Borough Council and will be taken to a national rehoming centre.

Any dogs that come into the Council's care which are in need of veterinary treatment will be taken at the earliest opportunity to a vet and given treatment to relieve suffering. Any veterinary fees incurred by the Council will be passed back to the owner.

Unclaimed dogs are only destroyed when it is necessary to protect them from pain, suffering, injury, disease or as a result of their temperament, on the advice of a veterinarian. Euthanasia is always used as a last resort and will be considered when there is evidence that it would be unsafe to rehome a dog due to behaviour, or, when a dog is on the banned breed list.

Microchipping of dogs

Microchipping pets gives them the best chance of being identified and returned if they become lost or stolen. If the owner changes their details, it is important they tell the database company so they can update their records. Owners will also need to arrange for the details on their dog's microchip to be changed if the dog is sold or given to a new owner. If the details of the database company are unknown, the owner should contact the person who microchipped their dog – or contact the Animal Welfare Officer.

The requirement to microchip dogs was introduced by [The Microchipping of Dogs \(England\) Regulations 2015](#), implemented via Section 12 the Animal Welfare Act 2006, and which came into force in 2015. The mandatory obligation for every keeper of a dog to microchip any dog older than 8 weeks which is not a certified working dog, came into force in 2016.

Regulation 11 specifies the authorised person(s) who act for the purposes of enforcing these Regulations and Regulation 11(2) sets out the process for local authorities.

A local authority in whose area a dog is kept may authorise in writing any person ("an authorised person") to act for the purpose of enforcing these Regulations in its area.

Regulation 12 specifies that the powers of an authorised person on producing the written authorisation are:

- a) Serve the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days of the Notice;
- b) Where the keeper of the dog fails to comply with the said Notice, without the consent of the owner:
 - a. Arrange for the dog to be microchipped; and
 - b. Recover from the keeper the cost of doing so;
- c) Take possession of the dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it.

[The Control of Dogs Order 1992](#) places a duty on dog owners to ensure their dogs are wearing a collar and/or tag bearing the name and address if the owner inscribed upon it.

The government undertook a consultation into Cats and Dogs Microchipping in Spring 2022. The consultation related to changes to the current Microchipping of Dogs (England) Regulations 2015, following a Defra review of the effectiveness of the current system in December 2021, along with the Pet Theft Taskforce review in September 2021. This has resulted in [The Microchipping of Cats and Dogs \(England\) Regulations 2023](#) which comes into force on 10 June 2024.

Control of dog fouling

Under the [Anti-social Behaviour, Crime and Policing Act 2014](#), local authorities may use Public Spaces Protection Orders (PSPOs) to address dog fouling. This requires any person in a place to which the public has access to clean up after any dog in their charge. The Council may designate all or part of the Borough as a PSPO.

If complaints are received regarding dog owners allowing their animals to foul, then the Animal Welfare Officer will respond to the complaint and investigate. If a person is witnessed by an officer allowing the animal to foul, a Fixed Penalty Notice can be served. Payment of the Fixed Penalty Notice will be required within 21 days of the date on the notice. Failure to pay the fixed penalty notice will result in the case proceeding to court, and if found guilty, a penalty of up to £1,000 could be imposed.

If the offence is not witnessed by an officer, informal action may be taken. For example, an advisory letter may be sent to local residents advising people that they must pick up after their dogs.

The Council's Neighbourhood (Direct) Services is responsible for the installation and emptying of dog waste bins in the Borough, however the Council is under no obligation to provide these facilities. A comprehensive network of dog bins is provided in the area which the Council maintains and empties regularly. Dog owners can deposit their dog waste in such bins and can also dispose of bagged dog waste in normal litter bins. New dual waste bins for dog waste and litter will be given careful consideration having regard to the need, the cost (provision and emptying) and experience. Such experience is based on identifying high incident rates of dog fouling at locations where offenders persist in not removing the waste.

Where parish councils or other landowners wish to fund additional bins, on application the Council may agree to install them in suitable locations and empty them on their behalf for an on-going management fee. Dog Fouling Signage is also provided on suitable sites within the area.

Control of dangerous or aggressive dogs

The Council does not have a statutory responsibility to investigate complaints of dangerous dogs. If the Council receives such complaints, they are referred to the Police. Hampshire Constabulary is the principal enforcing body for the [Dangerous Dogs Act 1991](#).

The Council, nonetheless, investigates complaints of dogs acting aggressively or in cases where they appear to be out of control and will take action according to the evidence received using warning letters and dog behaviour contracts, the Dangerous Dogs Act 1991, Dog Act 1871, or the Anti-social Behaviour, Crime and Policing Act 2014.

Prohibited Breeds

If a member of the public suspects that someone has a dog of a breed type that is

prohibited, they should contact the Police via the non-emergency 101 telephone number or via their website <https://www.hampshire.police.uk/ro/report/ocr/af/how-to-report-a-crime/>. The breed types currently prohibited are XL Bully types, Pit Bull types, Japanese Tosas, Dogo Argentinos and Fila Brasileiros.

Dog barking

Under nuisance legislation, noise nuisance caused by excessive and unreasonable amounts of dog barking, howling or whining may be considered a statutory nuisance. Where a complaint is received, the Council will investigate and consider the cause of dog barking within the context of the “five needs” (please see section 4) arising under the Animal Welfare Act 2006.

Anyone allowing their dog(s) to bark regularly and for prolonged periods, risks being served with a noise abatement notice. If the problem continues beyond that, a decision may be made to prosecute after consideration of the Code of Crown Prosecutors and if found guilty, the owner could receive an unlimited fine.

Control of fly-grazing of horses

Fly-grazing is the deliberate grazing of a horse without the landowner’s permission. Horses that are fly-grazed may become abandonment cases if they are left for a period of time that risks unnecessary suffering or if an owner does not come forward to claim them when given notice to do so.

The [Control of Horses Act 2015](#) came into force on 26 May 2015. It amends the [Animal Act 1971](#) to allow local authorities and landowners to promptly remove fly-grazed horses. The Act also updates the provisions made in the Hampshire Act 1983 (part 3, section 9, seizure of horses).

The Act allows local authorities in England to detain horses which are in a public place in its area without lawful authority. “Public place” includes any common land, town or village green and any highway or highway verges. In addition, the Act allows landowners to remove horses that are left on their land and take them to a place of safety.

Following detention of the horse(s) the local authority or landowner must notify the police within 24 hours of removal and if the owner of the horse can be identified they must also notify them. If no owner comes forward or can be identified within four working days of the horse being first detained, a landowner is free to dispose of the horse.

Prior to the Act coming into force, horses could be disposed of by sale at market or at public auction after detention of 14 days. The Act now allows disposal after four working days of detention and extends the means of disposal to include private sale, gifting, rehoming or, as a last resort, humane destruction if this is in the best interest of the horse.

Powers available to the Council to take action

At its discretion, the Council can also use the powers contained within the Anti-Social Behaviour, Crime & Policing Act 2014 (ASBC&PA) to enforce fly-grazing measures.

The Act came into force in 2014, introducing both criminal and civil enforcement tools to address a wide range of anti-social behaviour (ASB).

Section 43(1) permits an authorised person, including local authorities to issue a Community Protection Notice (CPN) to an individual older than 16 years of age, if satisfied on reasonable grounds that:

- (a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality; and
- (b) the conduct is unreasonable.

Before an authorised Council officer is permitted to issue a CPN, the subject must be given a written warning stating a CPN will be issued unless their conduct ceases to have the detrimental effect, specifying a time period for compliance. The form of the written warning is not prescribed but guidance recommends it should contain:

- Name and address of the person to whom the warning is issued;
- An outline of the conduct considered to be causing the detrimental effect;
- An outline of that effect;
- The time period allowed for the effect to cease;
- A warning that if the effect has not ceased within the specific time period, that a CPN will be issued;
- The implications of a CPN being issued and the potential sanctions for breaching it; and
- The date of issue and the name of the authority of the issuer.

Sufficient time should be provided between issuing the written warning and issuing a CPN to enable the individual or body to comply with the actions specified within the warning.

Failure to heed the written warning after sufficient time where the effect continues, leads to the next stage of issuing a CPN by an authorised person, requiring the subject to comply with it.

A CPN is a notice which imposes any of the following requirements on the individual or body issuing it with:

- (a) a requirement to stop doing specified things;
- (b) a requirement to do specified things;
- (c) a requirement to take reasonable steps to achieve specified results.

Failure to comply with a CPN provides a local authority four options of how to proceed:

- i) Issue a Fixed Penalty Notice (maximum £100) conferring immunity from prosecution if paid within 14 days;
- ii) Prosecute the subject for failing to comply with the CPN;
- iii) Simple Caution; and
- iiii) Section 48 allows for a maximum, unlimited penalty fine upon conviction.

Animal Welfare Complaints

Anyone who owns, keeps, works with, or has any responsibility for an animal is legally obliged to ensure the animal's welfare needs are met by providing the "five needs" (please see section 4) arising under the Animal Welfare Act 2006. Failure to do so may mean an offence has been committed under section 9 of the Animal Welfare Act.

The RSPCA will generally take the lead in investigations, however in some circumstances, the Council does have unique powers under the Animal Welfare Act and may investigate further. For more information on the division of responsibilities, please visit the link [here](#).

Animal cruelty can be reported to the RSPCA on their emergency number 0300 123 4999.

19. UNACCEPTABLE BEHAVIOUR

In a small number of cases, customers sometimes pursue their cases in a way that can impede the investigation of their complaint and their behaviour can become unacceptable, for example, abusive, offensive or threatening and as such inhibits our ability to provide services to others.

In these cases, we may decide to take action to restrict the contact that a person has with the Council. Any such action will be taken in accordance with the Council's Persistent Complainants and Unreasonable Complainants Behaviour Policy. A copy of this can be [here](#).

20. EQUALITIES

We are committed to positively promoting equality of opportunity and have due regard to our duties under the [Equality Act 2010](#). We seek to do this via our [Equalities Strategy and Action Plan](#).

If an individual wishes to have a representative acting on their behalf, we will need confirmation from the individual that they are happy for the Council to contact and liaise with their representative directly to ensure we are acting in their best interests.

Please see the Equality Impact Assessment (EqIA) Appendix 1

21. PUTTING THINGS RIGHT

We will endeavour to deal with any concerns fairly, fully and in a timely manner. We will look to acknowledge our mistakes and apologise for them where we are at fault, and we will explain why things went wrong and what we will be able to do to prevent the same issue recurring in future. Examples of ways in which we can resolve an issue are:

- Take the action that should have been taken before the customer had cause to complain;
- Reconsider a decision that was not taken properly (excluding matters being considered under a process other than this one);
- Improve our procedures to prevent recurrence; and
- Recalculate money owed if applicable.

22. RETENTION OF DOCUMENTS

We keep all information confidential, particularly names and addresses that can identify a complainant, site or complaint. However, we may be obliged to disclose some information under certain statutory provisions. Please view our [Privacy Policy](#) for more information.

Annex 1: Licensable Activities

Activity	Summary of scope for which license is required	Link to Statutory Guidance, further details and exclusions
Selling animals as pets	<p>A licence is required by anyone selling animals as pets, either directly or with a view to them later being sold as pets, in the course of a business. The scope of this includes the business of wholesale/pet shop supplier as a licensable activity, as well as anyone keeping animals in the course of a business with a view to them being sold or resold.</p> <p>The exceptions to this are:</p> <ul style="list-style-type: none"> • The selling of animals in the course of an aquacultural business inspected (by CEFAS) and authorised under The Aquatic Animal Health (England and Wales) Regulations 2009 • The breeding of dogs to the extent that you require a licence relevant to this activity, rather than a pet sales licence. 	selling animals as pets
Dog kennel boarding	<p>All dog kennel boarding activities need a licence if they are carried out as a commercial business.</p> <p>To be in scope, they must:</p> <ul style="list-style-type: none"> • provide housing for other people’s dogs, where the provision of that housing is part or solely the activity of the business • arrange housing for other people’s dogs - for example, businesses which connect pet owners with people willing to look after their animals for no fee, just minor expenses 	dog kennel boarding
Cat boarding	<p>All cat boarding activities need a licence if they’re carried out as a commercial business.</p> <p>To be in scope, they must:</p> <ul style="list-style-type: none"> • provide housing for other people’s cats, as part of, or as the only activity of, the business • arrange housing for other people’s cats - for example, businesses which connect pet owners with people willing to look after their animals for no fee, just minor expenses 	cat boarding

	<ul style="list-style-type: none"> • provide overnight housing for cats in purpose-built cattery units • home board cats when they are kept in cattery units 	
Home boarding for dogs	<p>All dog home boarding activities need a licence if they're carried out as a commercial business.</p> <p>To be in scope, they must provide housing for other people's dogs at home for day and overnight stays (home boarding).</p> <p>This must be inside a domestic home which is not:</p> <ul style="list-style-type: none"> • the usual home where the animals are kept • in outdoor kennels 	home boarding for dogs
Day care for dogs	<p>All dog day care activities need a licence if they're carried out as a commercial business.</p> <p>To be in scope, they must:</p> <ul style="list-style-type: none"> • provide daytime housing for other people's dogs, as part of, or as the only activity of, the business • arrange housing for other people's dogs, for example, businesses which connect pet owners with people willing to look after their animals for no fee, just minor expenses 	day care for dogs
Hiring out horses	<p>All activities involving hiring out horses for riding, or instruction in riding, need to have a licence if they're carried out as a commercial business.</p> <p>To be in scope, they must hire out horses for riding, or instruction in riding.</p> <p>This could include:</p> <ul style="list-style-type: none"> • riding schools • loan horses • hunter hirelings • pony and donkey rides • polo instruction • pony parties where the ponies are ridden 	hiring out horses

<p>Dog breeding</p>	<p>To decide if an activity is a business and will need a licence, consider if the operator:</p> <ul style="list-style-type: none"> • makes any sale or carries out the activity to make a profit • earns any commission or fee from the activity <p>They must have a licence, if they do either or both of the following:</p> <ul style="list-style-type: none"> • breeding 3 or more litters of puppies in any 12-month period - unless they can prove that none of the puppies have been sold as puppies or adults • breeding dogs and advertising a business of selling dogs - as defined under the business test 	<p>dog breeding</p>
<p>Keeping or training animals for exhibition (excluding any activity regarding a licence for a zoo which is separate and subject to the Zoo Licensing Act 1981)</p>	<p>All keeping or training animals for exhibition activities need a licence if they're carried out as a commercial business.</p> <p>Businesses operating on a commercial basis will need a licence if they keep or train animals for exhibition for education or entertainment.</p> <p>This can be:</p> <ul style="list-style-type: none"> • to any audience in person • by recording visual images of the animals to play it to people using any technology <p>Examples of businesses include:</p> <ul style="list-style-type: none"> • mobile animal exhibits that visit schools • weddings • private parties • fairs • any other events that have an audience • pony parties where the ponies are not ridden • exhibiting domestic animals in a circus • businesses which keep animals for exhibition through electronic media, for example, animals used in films or TV • businesses which train animals for exhibition, either to an audience or through electronic media 	<p>keeping or training animals for exhibition</p>